

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR CITIGROUP
MORTGAGE LOAN TRUST INC., ASSET-
BACKED PASS-THROUGH
CERTIFICATES, SERIES 2006-HE2,

Plaintiff,

vs.

FIDELITY NATIONAL TITLE
INSURANCE COMPANY and UNITED
CAPITAL TITLE INSURANCE COMPANY,

Defendants.

Case No.: 2:19-cv-00498-ART-EJY

ORDER GRANTING

**STIPULATION TO
CONTINUE STAY OF CASE**

Plaintiff, U.S. Bank National Association, As Trustee for Citigroup Mortgage Loan Trust Inc., Asset-Backed Pass-Through Certificates, Series 2006-HE2 (“Plaintiff”) and Defendant Fidelity National Title Insurance Company (“Fidelity”, and with Plaintiff, the “Parties”), by and through their undersigned counsel, hereby stipulate as follows:

This matter involves a title insurance coverage dispute wherein Plaintiff contends, and Fidelity disputes, that the title insurance claim involving an HOA assessment lien and subsequent sale was covered by the subject policy of title insurance. There are now currently pending in the United States District Court for the District of Nevada and Nevada state courts more than fifty actions between national banks, on the one hand, and title insurers, on the other hand. In virtually

1 all of these actions, the title insurer underwrote an ALTA 1992 or ALTA 2006 loan policy of title
 2 insurance with form 1 coverage, along with the CLTA 100/ALTA 9 and/or CLTA 115.2/ALTA
 3 5 Endorsements.

4 The Parties previously stipulated to limited stays of the case. *See* ECF Nos. 28, 30. The
 5 stay is set to expire on September 19, 2023. The Parties have conferred and believe a continued
 6 sixty-two (62) day is warranted. The Nevada Supreme Court heard oral argument on April 11,
 7 2023 in two appeals involving similar coverage disputes in *PennyMac Corp. v. Westcor Land*
 8 *Title Ins. Co.*, Nevada Supreme Court Case No. 83737 (“*PennyMac*”) and *Deutsche Bank Nat’l*
 9 *Trust Co. v. Fidelity Nat’l Title Ins. Co.*, Nevada Supreme Court Case No. 84161 (“*Deutsche*
 10 *Bank*”). The Parties anticipate that the Nevada Supreme Court’s decisions in the foregoing
 11 appeals may touch upon issues regarding the interpretation of policy and claims handling, that
 12 could potentially affect the disposition of the instant action.

13 Due to the anticipated imminent decisions from the Nevada Supreme Court, the Parties
 14 believe an additional stay of sixty-two (62) days in the instant action will best serve the interests
 15 of judicial economy. The Parties request that the action be stayed for an additional sixty-two (62)
 16 days, through and including, November 20, 2023. The Parties are to submit a Joint Status Report
 17 or another stipulation and order on or before November 20, 2023. The Parties further agree that
 18 this stipulation and stay of this case is entered based on the specific circumstances surrounding
 19 this particular case, and that this stipulation shall not be viewed as a reason for granting a stay in
 20 any other pending matter.

21 **NOW THEREFORE**, the Parties, by and through their undersigned counsel, hereby
 22 stipulate and agree as follows:

- 23 1. In the interests of judicial economy and in efforts to preserve the Parties’ resources,
 24 the Parties request that this action be **STAYED FOR AN ADDITIONAL SIXTY-**
 25 **TWO (62) DAYS**, through and including, November 20, 2023.
- 26 2. All deadlines currently set in this case shall remain **VACATED**.
- 27 3. The Parties are to submit a Joint Status Report, or further stipulation to stay the case,
 28 on or before November 20, 2023.

1 4. The stay will not impact subpoenas duces tecum and deposition subpoenas to third
2 parties, and the Parties may enforce subpoenas that the Parties propounded to third
3 parties during the stay.

4 5. By entering into this Stipulation, none of the Parties is waiving its right to
5 subsequently move the Court for an order lifting the stay in this action.

6 **IT IS SO STIPULATED.**

7 DATED this 19th day of September, 2023.

DATED this 19th day of September, 2023.

8 WRIGHT, FINLAY & ZAK, LLP

SINCLAIR BRAUN KARGHER LLP

9 /s/ Lindsay D. Dragon

/s/ Kevin S. Sinclair

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14 *Attorney for Plaintiff, U.S. Bank National*

Attorney for Defendant Fidelity National Title

Association, As Trustee for Citigroup

Insurance Company

Mortgage Loan Trust Inc., Asset-Backed

Pass-Through Certificates, Series 2006-HE2

16 **IT IS SO ORDERED.**

17 Dated this 20th day of September, 2023.

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19 

20 Anne R. Traum

21 United States District Court Judge